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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 STEPHANIE CLIFFORD A.K.A
16 STORMY DANIELS,

17 Plaintiff,

18 v.

19 DONALD J. TRUMP,

20 Defendant.

Case No. 18-cv-06893-DDP-MAA

NOTICE OF RELATED CASE

[LOCAL CIVIL RULE 83-1.3]

Complaint Filed: April 30, 2018

Pursuant to Local Rule 83-1.3, Defendant Donald J. Trump (“Mr. Trump”) informs the Court of the following previously-filed action in this District that is related to this action: *Stephanie Clifford a.k.a. Stormy Daniels v. Donald J. Trump, Essential Consultants, LLC, Michael Cohen, et al.*, Case No. 2:18-CV-02217-SJO-FFM (the “Related Case”). The Related Case is related to this action because both cases “(a) arise from the same or a closely related transaction, happening, or event”; “(b) call for determination of the same or substantially related or similar questions of law and fact;” and “(c) for other reasons would entail substantial duplication of labor if heard by different judges.” *See* L.R. 83-1.3.

BRIEF FACTUAL STATEMENT

A. The Related Case

In the Related Case, Plaintiff Stephanie Clifford (“Plaintiff” or “Ms. Clifford”) alleges that she “began an intimate relationship with Mr. Trump in the summer of 2006 in Lake Tahoe and continued her relationship with Mr. Trump well into the year 2007.” [Dkt. No. 14 in Related Case, First Amended Complaint (“FAC”), ¶ 10.] Plaintiff further alleges that defendant Michael Cohen (“Mr. Cohen”) and Mr. Trump attempted to prevent her from publicly disclosing her alleged relationship with Mr. Trump through the use of a written “Confidential Settlement Agreement and Mutual Release” (the “Settlement Agreement”). [*Id.*, ¶¶ 15-20.]

Plaintiff admits that she and Mr. Cohen (on behalf of Defendant Essential Consultants, LLC) signed the Settlement Agreement and Plaintiff received a payment of \$130,000 pursuant thereto. [Dkt. No. 14 in Related Case, ¶¶ 23-24.] Plaintiff’s first cause of action in the Related Case against Mr. Trump (and Essential Consultants, LLC) seeks a declaration that the Settlement Agreement was not “formed..., or in the alternative, ...is void, invalid, or otherwise unenforceable.” [*Id.*, Prayer for Relief, p. 17.]

The Settlement Agreement contains an arbitration provision which requires Plaintiff to arbitrate any disputes between “PP” and “DD,” who Plaintiff alleges are

1 Plaintiff and Mr. Trump, respectively. [*Id.*, at ¶¶ 19, 56.] This provision is the
2 subject of a pending Motion to Compel Arbitration, in which Mr. Trump has joined.
3 [Dkt. No. 20 in Related Case, Motion to Compel Arbitration; Dkt. No. 21 in Related
4 Case, Joinder.] Plaintiff has also filed a pending Motion for Expedited Jury Trial on
5 the issue of the formation and enforceability of the Settlement Agreement, and seeks
6 to take Mr. Trump’s deposition in connection therewith. [Dkt. No. 29 in Related
7 Case, Motion for Expedited Jury Trial.]

8 Plaintiff’s second cause of action in the Related Case for defamation against
9 defendant Michael Cohen (“Mr. Cohen”) arises out of alleged statements by Mr.
10 Cohen relating to Plaintiff’s “claims about her relationship with Mr. Trump.” [Dkt.
11 No. 14 in Related Case, ¶ 67.] Plaintiff alleges that Mr. Cohen’s statement was
12 “meant to convey that Ms. Clifford is a liar” and “someone who should not be
13 trusted.” [*Id.*] Mr. Cohen’s pending anti-SLAPP motion raises several challenges to
14 Plaintiff’s defamation claim, including whether the statements were substantially true,
15 whether they were protected opinion, and whether Plaintiff has suffered any damages.
16 [Dkt. No. 31 in Related Case, Anti-SLAPP Motion.]

17 **B. This Action**

18 In this action, Plaintiff asserts a single cause of action for defamation against
19 Mr. Trump that arises out of Plaintiff’s alleged relationship with Mr. Trump. [Dkt.
20 No. 1 in this action, Complaint, ¶¶ 5, 21-38.] Plaintiff alleges that Mr. Trump’s
21 allegedly defamatory statement relates to Plaintiff’s “claims about the threatening
22 encounter” with an alleged unidentified “man regarding her intention to tell the story
23 of her relationship with Mr. Trump.” [*Id.*, at ¶ 7, 28.] As with her claim for
24 defamation against Mr. Cohen, Plaintiff alleges that Mr. Trump’s statement was
25 “meant to convey that Ms. Clifford is a liar” and “someone who should not be
26 trusted.” [*Id.*, at 28.]

27 This cause of action falls within the same arbitration provision in the
28 Settlement Agreement at issue in the Related Case.

1 Moreover, Plaintiff's defamation claim against Mr. Trump in this action, and
2 both of her claims in the Related Case, arise out of Plaintiff's alleged relationship
3 with Mr. Trump.

4 In addition, Plaintiff's defamation claim against Mr. Trump in this action, and
5 her defamation claim against Mr. Cohen in the Related Case, arise out of statements
6 that were allegedly "meant to convey that Ms. Clifford is a liar" and "someone who
7 should not be trusted." [Dkt. No. 14 in Related Case, ¶ 67; Dkt. No. 1 in this action, ¶
8 28.] As a result, many of the issues to be decided in connection with Plaintiff's
9 defamation claims against Mr. Trump and Mr. Cohen, including whether the
10 statements were substantially true (i.e. whether Plaintiff is a liar), whether they were
11 protected opinion, and whether Plaintiff has suffered any damages, heavily overlap
12 and involve the same issues of law and fact.

13 Thus, the Related Case and this action are related under Local Rule 83-1.3.

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15 Dated: August 13, 2018

HARDER LLP

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17 By: /s/ Charles J. Harder

18 CHARLES J. HARDER
19 Attorneys for Defendant
20 DONALD J. TRUMP
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